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AUTHOR Madison, James H.
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ABSTRACT

The Northwest Ordinance of 1787, which provided for government of the largely unsettled frontier area north of the Ohio River and for an orderly, three-stage transition of the territories from control by national government to full and equal statehood, joins the Declaration of Independence and the U.S. Constitution to form a trinity of founding-era documents that charted the course of a new nation. The Northwest Ordinance aroused conflict in Indiana and more broadly among U.S. citizens over slavery and sectionalism, states' rights, representative government, western expansion, and individual freedom. The Indiana Territory was created in 1800, and its first governor was William Henry Harrison. Many of Harrison's fellow settlers resented their lack of a voice in government and pushed hard for transition to the second, semi-representative stage as promised in the ordinance. The force of numbers pushed Harrison to agree to movement to the second stage. The pattern of conflict was repeated in moving to the third stage although the conflict was more intense and enduring. A population census in 1815 counted 63,897 Hoosiers, more than enough to meet the requirements of the Northwest Ordinance for statehood. In 1816, 43 men wrote a constitution for Indiana, and on December 11, 1816, President James Madison approved statehood. The Indiana constitution of 1816 ended the controversy over slavery by making Indiana a free state. (SM)

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Extending Liberty Westward: The Northwest Ordinance of 1787

by James H. Madison

James H. Madison, MA'68, PhD'72, is associate professor of history at Indiana University Bloomington, editor of the Indiana Magazine of History, and author of the recently published book, The Indiana Way: A State History. Currently he is working on a biography of Eli Lilly.

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The birth was not promising. Passed on Friday, the 13th of July, by a national government that was moribund, the Northwest Ordinance of 1787 nonetheless became a fundamental document in American history. Indeed, it belongs to the near-holy trinity of founding-era documents, joining the Declaration of Independence and the Constitution of 1787 in charting the course of the new nation. For the frontier West especially, including pioneer Indiana, the Northwest Ordinance determined the nature of government and ensured that basic American freedoms extended westward.

A Vision for Self-Government

The immediate purpose of the Northwest Ordinance was to provide for government in the largely unsettled lands west of the Appalachian Mountains and north of the Ohio River. While there was no strong sentiment among American

leaders to maintain the West in perpetual colonial dependency, neither was there confidence that this sparsely populated, undeveloped land was yet suited for representative government and statehood. Indeed, some conservative Easterners feared that the sort of people most likely to move west were those least "civilized" and least capable of self-government. The Ordinance suggested a pragmatic compromise that allowed for a transition from full control by the national government to gradual representative government and eventual statehood. It thereby posited a developmental model, one that planned for evolutionary growth toward self-government.

This transition would occur in three stages, carefully delinated in the Ordinance. In the least democratic, first stage a territorial governor and judges appointed by the national government would rule. When the population reached 5,000 free, adult

males, the territorial government would move to the second stage in which those men who owned 50 acres of land could elect representatives to a territorial legislature. When the total free population reached 60,000 inhabitants the territory could claim statehood and enter the Union on an equal footing with the original states. By this three-step process five states of the Northwest Territory entered the Union: Ohio (1803), Indiana (1816), Illinois (1818), Michigan (1837), and Wisconsin (1848). So successful was this visionary prescription for development that the model was used to create states across the Great Plains to the Pacific Ocean.

William Henry Harrison: Frontier Ruler

The success of the Northwest Ordinance over the long term should not hide the immediate conflicts it generated, for in these struggles were re-

flected some of the basic challenges of American political life, particularly the tensions between liberty and order. The application of the Ordinance to Indiana's early history illustrates the nature of the debate.

The Indiana Territory was created in 1800, as Ohio was becoming a state. Initially its boundaries extended west to the Mississippi River and north to the Canadian border. Its first governor was William Henry Harrison. Only 27 when he assumed office, Harrison was a Virginia gentleman who had served on the frontier as early as 1794 when he fought beside General Anthony Wayne at the Battle of Fallen Timbers. Harrison continued as an Indian fighter, most notably at the Battle of Tippecanoe in 1811. Even more significantly, though less bloodily, he served as a negotiator of Indian land cession treaties by which much of Indiana passed from native to white occupancy. In addition to Indians,

Harrison's foes came to include many of his fellow settlers, most of whom approved his aggressive Indian policy but resented his undemocratic leadership.

The nearly 6,000 pioneers who resided in Indiana Territory in 1800 had not elected Harrison as their governor. As stipulated in the Northwest Ordinance, he was appointed by President John Adams. And his word was law. Resenting their lack of a voice in government, Indianans pushed hard for transition to the second, semi-representative stage as promised in the Ordinance. Harrison resisted for a time, but the force of numbers, guaranteed in 1787, pushed him to agree to movement to the second stage. Indiana's first elections were held in 1805, and the first General Assembly met at Vincennes that same year.

The pattern was repeated in moving to the third stage, although the conflict was more intense and enduring.

Governor Harrison still retained large power after 1805. He could, for example, exercise an absolute veto over any territorial legislation.

Opposition grew as newcomers settled in Indiana. The Whitewater Valley in the southeast became a hotbed of anti-Harrison feelings. Accustomed to self-rule in North Carolina, Ohio, or Pennsylvania, these westward moving pioneers demanded more democratic government. They compared their situation to that of the revolutionary patriots, complaining in an 1811 petition to Washington that their Indiana government had a "monarchal shape." Harrison and the national government responded with concessions, but the self-styled democratic opposition remained unsatisfied. The solution was obvious. Only the statehood promised in the Ordinance of 1787 would quiet the discontent.

Hoosiers Eager for Statehood

The leader of Indiana's pro-statehood faction was Jonathan Jennings. A newcomer from Pennsylvania, Jennings gathered around him men opposed to Harrison, men eager for statehood, and, in some cases, men hungry also for office for themselves. Harrison and his followers resisted the push for statehood, arguing that Indiana taxpayers could not afford the costs of state government. Moreover, one of Harrison's followers asserted, there was in Indiana "a great scarcety (sic) of talents, or men of such information as are necessary to fill the respective Stations, & Offices of government."

The debate over statehood was not settled by measuring either wealth or talent. All that counted was population. With the defeat of the Indians and the British in the War of 1812, pioneer families poured into Indiana Territory, taking up rich, abundant land and bringing with them fundamen-

tal attachments to representive government. A population census in 1815 counted 63,897 Hoosiers, more than enough to meet the requirements of the Northwest Ordinance.

The Nineteenth State

In the heat of a Corydon summer in 1816, 43 men wrote a constitution for Indiana. The majority of the elected delegates had been pro-statehood men and supporters of Jennings, whom they elected to chair the convention. A critic of the Jennings faction labeled them "empty babblers, democratic to madness," but they accomplished what they set out to do. With the experience of territorial government fresh in their minds, Jennings and his associates created a government in which the elected legislature was the strongest branch, closely dependent on grassroots approval. The powers of the state governor were severely re-

stricted; he would enjoy little of the gubernatorial reach possessed by Harrison.

On December 11, 1816, President James Madison approved statehood. Indiana now had a full voice in the national government, including the vote of two senators in Washington, equal to that of Virginia, Massachusetts, and the other original states. Resentment of quasi-colonial status that may have lingered from the years before 1816 soon washed away in the waves of state and national pride that burst across Indiana. The commitment made in 1787 had been fulfilled.

Slavery Is Prohibited

The promise of statehood was the most important promise made in 1787, but there were other guarantees in the Northwest Ordinance. These were contained in a section called the Articles of Compact, which pledged that

from the beginning settlers in the West would enjoy certain fundamental freedoms and rights, many of which the new government would soon include in the Bill of Rights. The Articles of Compact guaranteed religious freedom and due process of law, including trial by jury, and it urged the encouragement of public education and justice toward Indians. The sixth and final article stipulated that "there shall be neither slavery nor involuntary servitude in the said territory." The articles reassured pioneers that they would take American freedoms along west with their rifles, spinning wheels, and axes. The importance of the Articles of Compact is indicated in the fact that Indiana's Constitution of 1816 repeated and expanded these liberties guaranteed in 1787.

The prohibition of slavery caused the most controversy in Indiana. Governor Harrison owned slaves and so did many of his prominent supporters. The

census of 1810 counted 237 slaves and 393 free blacks in the territory. It is likely that the lives of many of those blacks counted as free differed little if at all from those listed as slaves. Harrison's opponents soonadded slavery to their growing list of objections to the governor's rule. The South's peculiar institution, they asserted, was "repugnant to the inestimable principles of a republican Government." Jennings and his supporters castigated the Harrison faction as a slaveholding aristocracy that was determined to deny representative government and democracy on Indiana's frontier. This argument, combining antislavery with freedom, would ring loud in the nation's politics down to Appomattox Courthouse. In Indiana the debate closed with the Constitution fo 1816, which sealed the fate of slavery in the new free-soil state.

An Enduring Document

Two hundred years later the Northwest Ordinance remains a fundamental document. Not only did it shape the history of westward settlement andstatemaking, but it enunciated princi-
ples of broad and enduring significance.

The Northwest Ordinance aroused conflict, immediately in Indiana in the struggles between the Harrison and Jennings factions, and more broadly in the controversies among Americans over slavery and sectionalism, states' rights, representative government, western expansion, and individual freedom. Ultimately, however, it was among America's great achievements. Today we rightly celebrate that achievement.

The 1787 document promulgated one of the most generous colonial policies in the history of nations, a policy

dedicated to creating equal rather than dependent units of government. In this purpose it was radically different from British colonial policy and that of most empires. It was remarkably optimistic in assuming that the nation would expand westward, and itencouraged that expansion by guaranteeing that liberty and representative government would move across the mountains with the pioneers. At the same time, this expansion would be an orderly process, one in which the national government would remain a responsible party in allowing time for the growth and maturation necessary for representative government.

The framers of the Northwest Ordinance tied the growing West to the new nation, not with cords of imperial power but with sentiments of reciprocal, heartfelt nationalism. From the early 19th century to the present, the people of Indiana and of the Midwest have often perceived themselves as the

most patriotic and the most typical of Americans. Such sentiments originate in part with a document approved on July 13, 1787.